

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-20 are pending in the application. Claims 15-20 have been withdrawn from further consideration, as being drawn to a non-elected invention. Of the claims under consideration, claims 1 and 10 are independent. Paragraph [0041] and claims 1 and 10 are sought to be amended by this paper. The amendments to the specification and claims are believed to introduce no new matter, as the same are supported by the drawings (particularly, Figures 2 and 4) and the language of paragraph [0041]. Their entry is respectfully requested.

This amendment after final should be entered because it accommodates or renders moot the rejections under Section 112, first paragraph and Section 102, or, alternatively, presents the rejected claims in better form for consideration on appeal.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections and allow the application.

Acknowledgement to Examiner

Applicant would like to thank the Examiner for the courtesy extended to his representatives during the telephone interview conducted on October 3, 2006. The above amendments and following remarks are consistent with the discussion concerning proposed amendments to the claims, to render the same allowable.

Description of the Invention

The present invention is a self-cleaning apparatus for transferring, collecting and disposing of a waste material. The apparatus has specific utility in the medical and surgical fields (to transfer, collect and dispose of biological fluids and waste), but can also be employed to transfer, collect and dispose of any material or product. The apparatus comprises a material transfer hose, a material collection chamber, a vacuum source for drawing material into the material collection chamber, an optional pump for emptying the material collection chamber, and a cleaning fluid chamber that receives the material transfer hose, to draw cleaning fluid into the material transfer hose to clean the hose, material collection chamber and remaining components of the apparatus. The apparatus of the present invention differs from those in the prior art, in that it comprises few parts, self-cleans, avoids the need for disposable waste material collection bags or containers, and requires no reconfiguration or disassembly to dispose of the waste material or to clean the parts of the apparatus. Applicant's apparatus, thus, reduces user contact with the waste material and possible contamination of the surrounding area or surgical environment.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claim 1 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner has taken the position that there is no support that the "waste material collection chamber" be "non-disposable" as recited in amended claim 1. Applicant has amended claim 1 by this paper to delete the term non-disposable. Applicant submits that the

amendment renders the rejection under Section 112, first paragraph, moot and requests reconsideration and withdrawal of the same.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1-14 under Section 102(b) as being anticipated by U.S. Patent No. 5,914,047 to Griffiths (the "Griffiths patent"). With respect to independent claim 1, the Examiner has taken the position that the Griffiths patent discloses a self-cleaning apparatus 10 for transferring, collecting and disposing of waste material from a patient comprising a tube/waste material transfer hose 56a, a non-disposable waste material collection chamber 30 having an inlet in communication with an outlet of the transfer hose 84, a vacuum source 58 connected to the waste material collection chamber, and a liquid disinfectant reservoir/cleaning fluid chamber 80 arranged to communicate with and receive the inlet of transfer hose 84 by inserting the inlet of waste transfer hose 84 into the cleaning fluid chamber 80 to permit the cleaning fluid to be transferred to and through the transfer hose 84 and the waste collection chamber 30 to clean the same. *See* Office Action, p. 3. Applicant respectfully asserts that the Griffiths patent does not disclose the invention of independent claims 1 and 10, as hereby amended, based on the following remarks.

Claim 1, as hereby amended, calls for a self-cleaning apparatus for transferring, collecting and disposing of waste material from a patient, comprising a waste material transfer hose having an inlet at a first end of the hose and an outlet at the second end of the hose for transferring waste material from the patient to the apparatus, a waste material collection chamber having a collection chamber inlet in communication with the

waste material transfer hose and a collection chamber outlet, a vacuum source connected to the waste material collection chamber by a vacuum line, and a cleaning fluid chamber. The cleaning fluid chamber has an inlet for receiving the inlet of the waste material transfer hose, by insertion of the waste material transfer hose inlet into the inlet of the cleaning fluid chamber, such that when the waste material transfer hose inlet is inserted into the cleaning fluid chamber inlet, the cleaning fluid is drawn into and through the waste material transfer hose and collection chamber, by the vacuum source, to clean the waste material transfer hose and collection chamber.

While the Griffiths patent does appear to disclose an apparatus for collecting, treating and disposing of biohazardous liquid medical waste, Applicant asserts that it does *not* disclose the invention of claim 1, as hereby amended. More particularly, the Griffiths patent fails to disclose (or suggest) a cleaning fluid chamber having an inlet for receiving the inlet of the waste material transfer hose, by insertion of the inlet of the hose into the inlet of the cleaning fluid chamber, such than when the inlet of the hose is inserted into the inlet of the cleaning fluid chamber, cleaning fluid is drawn into and through the hose and waste material collection chamber, by the vacuum source, to clean the hose and waste material collection chamber.

The Examiner has taken the position that liquid disinfectant reservoir 80 is the structural equivalent of the claimed cleaning fluid chamber and that reservoir 80 is arranged to communicate with and receive the inlet of transfer hose 84 (Figure 3) by inserting the inlet of hose 84 into reservoir 80 to permit the liquid disinfectant to be transferred through hose 84 and waste collection chamber 30. Applicant disagrees.

First, while liquid disinfectant reservoir is in fluid communication with tube 84, tube 84 is *not* a waste material transfer hose having an inlet and an outlet for transferring waste material from the patient to the apparatus, as claimed. On the contrary, tube 84 transfers liquid disinfectant from reservoir 80 to a motionless mixer 76. *See* Figure 3 and Column 7 of the Griffiths patent. Liquid disinfectant reservoir 80 and tube 84 are in a fluid path distinct and separate from (and, thus, different than) the waste suction tube from the patient to the waste suction chambers (arguably, tube 50 and suction chambers 44A/44B of the Griffiths, respectively). At no point does the inlet of suction tube 50 connect with (nor is it capable of being connected to) the inlet of liquid disinfectant reservoir 80. Indeed, liquid disinfectant reservoir 80 communicates only with motionless mixer, which is a chamber that receives waste material from suction chambers 44A/44B (from a first fluid path) and liquid disinfectant from reservoir 80 (from a second, separate fluid path), to treat the liquid waste prior to its transfer to a treated liquid waste receptacle 30. *See* Column 7, lines 8 - 65 and Figure 3. Because the liquid disinfectant reservoir does not have an inlet into which the inlet of the suction tube 50 is inserted, the liquid disinfectant fluid cannot be drawn into and through the inlet of the suction tube to clean the tube and suction chambers 44A/44B, as now claimed. For this reason, Applicant submits that amended claim 1, and the claims that depend therefrom, are patentable over the Griffiths patent. Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection as applied to amended claim 1, and the claims that depend therefrom (claims 2-9).

Independent claim 10 (and the claims that depend therefrom) has also been rejected under Section 102(b) in view of the Griffiths patent. Claim 10 is structurally

similar to claim 1 (but also recites a disposal pump) and has been amended to recite that the cleaning fluid chamber has an inlet for receiving the material transfer hose inlet by insertion of the hose inlet into the cleaning fluid chamber inlet, such that when the hose inlet is inserted into the cleaning fluid chamber inlet, the cleaning fluid is drawn into and through the inlet of the hose, by the vacuum source, to clean the hose, the material collection chamber and the disposal pump of the claim. Applicant asserts that amended claim 10 is patentable over the Griffiths patent for the same reason that claim 1 is, as argued above. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 10 and the claims that depend therefrom (claims 11-14).

Having shown that the claims 1-14, as hereby amended, are patentable over the Griffiths patent and the other art of record, Applicant respectfully requests allowance of all claims under consideration and issuance of a Notice of Allowance.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. Applicant believes that a full and complete Reply has been made to the outstanding final Office Action and that the application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Amdt. dated October 16, 2006 - 16 -
Reply to Office Action of May 15, 2006

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Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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